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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 9 DECEMBER 2021**

**SUBJECT: 21/01750/PAN INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) INCLUDING SITING OF BATTERY CONTAINERS, POWER CONVERSION UNITS AND TRANSFORMERS, A SUBSTATION, HARDSTANDING AREA, FENCING, VEHICULAR ACCESS, GRID CONNECTION AND ANCILARY WORKS ON LAND AT DRUM FARM, KEITH**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 4 November on behalf of Renewable Energy Systems Ltd.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that:**

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

### 3. **BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposal for a battery energy storage scheme which will include inverters and transformers, grid connection container and compound with fencing, drainage and other associated development. The submission states that the development would have a capacity of up to 49.99 MW.
- 3.5 The site is located to the south east of the substation on Westerton Road, Keith. The site is on the eastern edge of Keith and is bounded by fields to the north, south and west. The land is largely flat and open. The site is accessed by tracks running to the north and west which are core paths. Vehicular access is proposed from the U35H to the north of the site and west of Drum Farm. The development is within the Countryside Around Town (CAT) around Keith as identified in the Moray Local Development Plan 2020. Mill Wood SSSI is approximately 1km to the east of the site A plan is appended showing the location and extent of the site (**Appendix 1**).
- 3.6 Planning permission is required for this proposal. The proposal is for an energy installation with a capacity of 49.9 MW therefore under the current hierarchy regulations the proposal would comprise a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has already made use of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Keith and Strathisla Community Councils. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.

3.8 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with the new regulations the agent has confirmed that a virtual public event will be held on their website for a period of 7 days from 29 November and video/telephone appointments will be available for anyone wishing to discuss the project. The information will also be available online for an extended period. This will have been advertised locally prior to opening and the community council made aware of the arrangements. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Tracey Sutherland (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting

**5. CONCLUSION**

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

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Background Papers:

Ref: 21/01750/PAN